

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

TERRY DEWITT CAVE,

Plaintiff

VS.

LT. CURRY, *et al.*,

Defendants

NO. 5:06-CV-275 (CAR)

PROCEEDINGS UNDER 42 U.S.C. §1983  
BEFORE THE U. S. MAGISTRATE JUDGE

**ORDER**

Plaintiff herein has requested this court to provide legal representation for him in the above- captioned proceeding. Tab #33. This is the plaintiff's second such motion, the first having been denied as premature in an order dated August 17, 2006. Tab #6. As made clear in the court's August 17<sup>th</sup> Order, generally speaking, no right to counsel exists in §1983 actions. *Wahl v. McIver*, 773 F.2d 1169, 1174 (11<sup>th</sup> Cir. 1985); *Hardwick v. Ault*, 517 F.2d 295, 298 (5<sup>th</sup> Cir. 1975); *Meckdeci v. Merrell National Laboratories*, 711 F.2d 1510, 1522 n.19 (11<sup>th</sup> Cir. 1983). It is a privilege that is justified only by exceptional circumstances. *Lopez v. Reyes*, 692 F.2d 15, 17 (5<sup>th</sup> Cir. 1982); *Branch v. Cole*, 686 F.2d 264, 266 (5<sup>th</sup> Cir.1982); *Ulmer v. Chancellor*, 691 F.2d 209 (5<sup>th</sup> Cir. 1982).

In deciding whether legal counsel should be provided, the court typically considers, among other factors, the merits of the plaintiff's claim and the complexity of the issues presented. *See Holt v. Ford*, 862 F.2d 850, 853 (11<sup>th</sup> Cir. 1989). Applying the standards set forth in *Ulmer, supra*, it appears that at the present time, the essential facts and legal doctrines in this case are ascertainable by the plaintiff without the assistance of court-appointed legal counsel and that the existence of exceptional circumstances has not been shown by the plaintiff. Plaintiff is again reminded that if and when it becomes apparent that legal assistance is required in order to avoid prejudice to his rights, the court on its own motion will consider assisting plaintiff in securing legal counsel.

Accordingly, plaintiff's motion for appointment of legal counsel (Tab #33) is **DENIED** at this time.

SO ORDERED, this 18<sup>th</sup> day of APRIL, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." with a stylized flourish at the end.

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE